IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 3RD DECEMBER 2007 / 12TH AGRAHAYANA 1929

WP(C).No. 29251 of 2007(G)

PETITIONER:

MUTHOOT HOTELS PRIVATE LIMITED,
REPRESENTED BY ITS SENIOR MANAGER,
SRI. SABU ZACHARIAS.K, MUTHOOT CENTRE,
PUNNEN ROAD, TRIVANDRUM.

BY ADV. SRI.P.B.SAHASRANAMAN
SRI.K.JAGADEESH
SRI.T.S.HARIKUMAR

RESPONDENTS:

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1. CORPORATION OF TRIVANDRUM, REPRESENTED BY ITS SECRETARY, THIRUVANANTHAPURAM.

2. THE KERALA COASTAL ZONE MANAGEMENT AUTHORITY, REPRESENTED BY ITS SECRETARY, "SASTHRA BHAVAN", THIRUVANANTHAPURAM.

R1 BY SRI.N.NANDAKUMARA MENON, SC.
R2 BY SRI.K.J.MOHAMMED ANZAR, SR.GOVT.PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 03/12/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C) N. 29251 OF 2007

Dated this the 3rd day of December, 2007

JUDGMENT

Sri.P.B.Sahasra Naman submits that the 2nd respondent authority should be directed to conduct a local inspection so as to enable this Court to decide the Writ Petition. However, I am not inclined to issue such a direction. But, as per the principles laid down in Fazal Gafoor's case (SLP No.5038 of 2002) the authority competent to decide whether a particular construction is in violation of the CRZ Regulations is the 2nd respondent authority, I dispose of the Writ Petition directing the petitioner to approach the 2nd respondent authority by filing appropriate application in that regard. If the 2nd respondent authority receives an application from the petitioner within 10 days of the petitioner receiving copy of this judgment, the 2nd respondent authority will conduct necessary inspections and take a correct decision on that application with notice to the petitioner and the 1st respondent Corporation. Decision as directed above shall be taken at the earliest and at any rate within two months of receiving copy of this judgment. Till such time as decision is taken by the 2nd respondent authority as directed above, as regards the constructions in question, both parties will maintain the status quo as visible from Ext.P2 photographs.

(PIUS C.KURIAKOSE, JUDGE)

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